

## REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

### REQUEST FOR EXAMINER INTERVIEW AFTER FINAL REJECTION

An Examiner interview after final rejection is respectfully requested. As stated in MPEP '713.01, "Examiners may grant one interview after final rejection. See MPEP '713.09." MPEP '713.09, in turn, states, "Normally, one interview after final rejection is permitted." A substantial pendency period has already accumulated and substantial written prosecution has already been conducted in the application. At this point in time, an Examiner interview appears to be the most logical and preferred method of further prosecution in the application, i.e., an Examiner interview will accelerate prosecution by providing immediate discussion and feedback superior to the delayed discussion and feedback of normal intermittent written prosecution. Accordingly, Applicant respectfully submits the following reasons for requesting an Examiner interview. It is believed that the circumstance within the present case matches the validating circumstance for an Examiner interview as set forth in MPEP '713.01, i.e., "...the nature of the case is such that the interview could serve to develop and clarify specific issues and lead to a mutual understanding between the Examiner and the Applicant, and thereby advance the prosecution of the application," in that: it is believed that an interview would accelerate early agreement on the claims; it is believed that an interview would assist Applicant in judging the extent of allowable subject matter in the application; and, it is believed that an interview would assist Applicant in judging the propriety and preferred mode of



continued prosecution of the non-allowed claims and/or the entire application. The Examiner is respectfully requested to contact the attorney indicated on this paper at the local Washington, D.C. area telephone number of 703/312-6600 for the purpose of scheduling an examiner interview. The Examiner is thanked in advance for such considerations. Contact will also be attempted by the undersigned attorneys to schedule an Examiner Interview. In the event that the present papers, in and of themselves, are sufficient to place the application in condition for allowance, no Examiner interview would be necessary.

#### **PENDING CLAIMS**

Claims 1-13 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-13 will be pending for further consideration and examination in the application.

#### **REJECTION UNDER 35 USC '102**

The 35 USC '102 rejection of claims 1-13 as being anticipated by Gershman et al. (U.S. Patent 6,401,085) is respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time.



However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following remarks supplied from Applicant's foreign representative.

Applicant previously pointed out that Gershman does not disclose a "matching decision means" (13, 14) of a bidirectional matching decision between the first and second users (2, 7). It is respectfully submitted that claim 1 clearly defines what "bidirectional matching" is. That is "bidirectional matching" is "for deciding if the updated first user's presence matches the matching condition designated by the second user and if the second user's presence matches the registered matching condition designated by the first user (S803-S804 in Fig. 8) when the matching condition registration means performs matching condition registration processing or the presence update means performs presence update processing for the first user".

Office Action comments have stated that Gershman discloses Applicant's claimed matching decision means. However, Applicant cannot agree to such assertion. More particularly, Gershman refers, in column 62, line 63, to "bi-directional channels". However, according to the description in column 62, line 60 to column 62, line 1 of Gershman, the term "bi-directional channels" **means mere bi-directional communication paths for transmitting information.** Gershman does not clearly define that "bidirectional channels" is "for deciding if the updated first



user's presence matches the matching condition designated by the second user and the second user's presence matches the registered matching condition designated by the first user when the matching condition registration means performs matching condition registration processing or the presence update means performs presence update processing for the first user". In short, it is respectfully submitted that Gershman does not teach the bidirectional matching process. Gershman does not disclose the matching decision means similar to the present invention. In column 43, lines 22-48 and Fig. 16 of Gershman, the system searches the users to find out a user whose profile is the closest to the profile 1340 of the user who has requested a product report. This profile is a **static attribute for the user** but is not updated by the user. The profile is **not the matching condition of the first user**.

With respect to the rejection to claim 4 in page 7 of the Office Action, Office Action comments have referred to column 41, lines 51-55 of Gershman, and it seems that the Examiner has considered that user table 1310 in Fig. 13 of Gershman corresponds to matching candidate storage means of the present invention. Applicant respectfully does not agree with any such characterization. That is, the user table 1310 is used for storing user's data such as user's identifiers and user's profiles (1320), and the user's data cannot be revised after the user is registered in the system. In contrast with this, matching candidate storage means of the present invention shows a relationship between an identifier of the first user and an identifier of the second user which are matched with each other in their matching condition as shown in Fig. 3B and in page 14, lines 20-24 of the description. The data of matching candidate storage means is revised at each presence of a user as shown in steps S802, S803, S804, S805 and S808 in Fig. 8. The matching candidate



storage means of the present invention is different from user table 1310 of Gershman.

Further, Office Action comments have stated that Gershman discloses matching decision means using matching candidate storage means in column 43, lines 22-48 and Fig. 16. Again, Applicant cannot agree with the Examiner in this point. That is, the process shown in Fig. 16 of Gershman is to search for a user which has a similar profile (1340) of an user requesting a product report. In contrast with this, according to the invention as recited in claim 4, the matching decision means makes following decisions. If it is decided that the second user's presence matches the matching condition designated by the first user, the matching decision means searches the matching candidates, stored in the matching candidate storage means, to decide if the first user's presence already matches the matching condition designated by the second user. See steps S802, S803, S804, S805 and S806 in Fig. 8. Accordingly, the matching decision means using matching candidate storage means of the present invention is not disclosed in the flowchart shown in Fig. 16 of Gershman. In the event that presently-amended claim 1 is found to still not be allowable, Applicant asks whether further amending claim 1 by adding the above-mentioned features of the matching candidate storage means and matching decision means therein, would result in allowance of such enhanced claim..

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '102 anticipatory-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 rejection, and express written allowance of all of the '102 rejected claims, are respectfully requested.



### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.



To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.43554X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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